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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number

10/689,014

Filing Date

October 23, 2003

First Named Inventor

Kiester

Art Unit

3734

Examiner Name

C. Gettman

Attorney Docket Number

UC1.PAU.24

**ENCLOSURES (Check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts under  
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication  
to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
identify below):

1. Postcard

2. Response to Restriction/  
Election Requirement

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

MYERS DAWES ANDRAS &amp; SHERMAN, LLP

Signature

Printed name

Daniel L. Dawes

Date

February 13, 2007

Reg. No.

27,123

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature

Typed or printed name

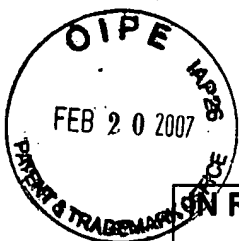
Sylvia Gaston

Date

February 13, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**IN RE APPLICATION OF:  
KIESTER**

**Examiner: C. Gettman**

**Group Art Unit: 3734**

**SERIAL NO. : 10/689,014**

**FILED: OCT. 23, 2003**

**FOR: OSCILLATING, STEERABLE,  
SURGICAL, BURRING TOOL  
AND METHOD OF USING THE  
SAME**

**ELECTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Restriction Requirement mailed Jan. 16, 2007, please enter the following election with traverse.

Claims 11 – 13 and 23 – 25 have been withdrawn.

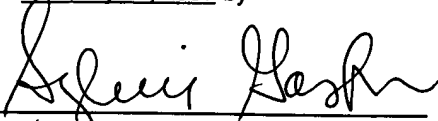
The claims of group II are elected, namely claims 14 – 22 and 26.

The restriction is traversed on the ground that a single search for the method would also reveal the claimed features in the apparatus claims, since all references describing methods of use also describe mechanical elements for making the use.

The Examiner requests election of species, but does not identify separate species in the restriction. In an attempt to fully respond, the applicant elects the species of Fig. 3 for the means of conversion. Claims 14 – 18, 20 and 26 are generic to all species. Claims 19, 21 and 22 are directed to the species of Fig. 3. The elected claims are all either generic or directed to Fig. 3.

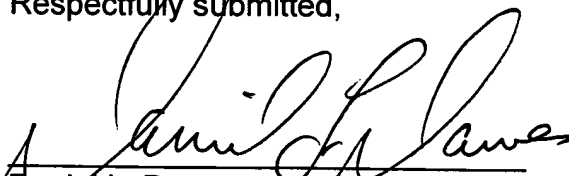
Applicant respectfully requests advancement of the claims to allowance.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 13, 2007 by

  
Signature

February 13, 2007

Respectfully submitted,



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